

1 Ali M.M. Mojdehi, State Bar No. 123846
Janet D. Gertz, State Bar No. 231172
2 Rayla D. Boyd, State Bar No. 256788
Baker & McKenzie LLP
3 12544 High Bluff Drive, Third Floor
San Diego, CA 92130-3051
4 Telephone: +1 858 523 6200

5 Counsel for Debtor
Asyst Technologies, Inc.,
6 a California corporation

7
8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 In re
12 ASYST TECHNOLOGIES, INC., a California
corporation,
13
14 Debtor.

Case No. 09-43246

Chapter 11

**EX PARTE APPLICATION FOR
ORDER SHORTENING TIME IN
WHICH TO HEAR DEBTOR'S
MOTION PURSUANT TO SECTIONS
105(a), 363(b), AND 541 OF THE
BANKRUPTCY CODE AND
BANKRUPTCY RULE 6004 FOR
AUTHORIZATION TO PAY, REMIT
OR REIMBURSE WAGE
OBLIGATIONS, GARNISHMENT
OBLIGATIONS AND BENEFIT
OBLIGATIONS**

[No Hearing Required]

21 TO THE HONORABLE RANDALL J. NEWSOME, UNITED STATES BANKRUPTCY
22 JUDGE:

23 Asyst Technologies, Inc., a California Corporation, the debtor and debtor in possession in the
24 above-captioned case (the "Debtor in Possession"), hereby applies to this Court for an order
25 shortening time for a hearing on the *Debtor's Motion Pursuant to Sections 105(a), 363(b) and 541 of*
26 *the Bankruptcy Code and Bankruptcy Rule 6004 for Authorization To Pay, Remit, or Reimburse*
27 *Wage Obligations, Garnishment Obligations and Benefit Obligations* (the "Motion"). This Ex Parte
28 Application is supported by the Declaration of Rayla D. Boyd (the "Boyd Declaration"), filed

1 concurrently herewith. Capitalized terms used but not defined herein shall have the meaning
2 ascribed to them in the Motion. In support of this Application, the Debtor in Possession states as
3 follows:

4 1. Reason for the shortening of time requested: It would reduce costs to the estate if the
5 Motion is heard and determined on July 17, 2009, at the same time as this Court is hearing other
6 matters regarding the estate.

7 2. Previous time modifications related to the subject of the request: There have been no
8 previous time modifications related to the subject of this request, whether by stipulation or Court
9 order.

10 3. Effect of the requested time modification on the schedule of the case or proceeding:
11 The granting of this order shortening time will not have any effect on the other proceedings in this
12 case. Parties in interest will receive 17 days' notice of the Motion, rather than the usual 20 days'
13 notice. The resolution of this matter will provide certainty to the Retained Employees and will allow
14 the Debtor in Possession to distribute amounts it is currently holding in trust.

15 4. Communications with Respondent: The Motion seeks relief generally, not against an
16 identified, named entity. The Agent does not oppose the relief sought in the Motion provided that no
17 employee receives benefits in excess of \$10,950 and the amounts sought are within the Budget. *See*
18 Boyd Declaration ¶3.

19 5. WHEREFORE the Debtor in Possession respectfully requests the Court enter an
20 order shortening time for notice of the Motion so that the hearing on the Motion may be held on 17
21 days' notice, rather than the 20 days notice period set forth under Local Rule of Bankruptcy
22 Procedure 9014-1, and the hearing on the Motion proceed on July 17, 2009.

23 Dated: June 30, 2009

BAKER & McKENZIE LLP

24
25 By: /s/ Rayla D. Boyd

Ali M.M. Mojdehi

Janet D. Gertz

Rayla D. Boyd

Proposed Counsel for Debtor Asyst
Technologies, Inc.